THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte FREDERICH N. TOU and DONNA M. AUGUSTE

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Appeal No. 96-3260
Application No. 08/134,214[1]

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ON BRIEF

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Before KRASS, FLEMING, and GROSS, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 20 and 24 through 26, all of the claims pending in the application.

[1] Application for patent filed October 8, 1993.

The invention pertains to a method and apparatus for reformatting paragraphs on a computer screen. A plurality of words in an area of the screen may be highlighted and a border is provided around the highlighted area wherein a momentary engagement of a pointing device with the border results in reformatting of the words, or objects, so as to remove breaks, such as carriage return breaks, tab breaks and paragraph breaks, from between the words, or objects.

Representative independent claim 1 is reproduced as follows:

1. A method for reformatting objects displayed on a screen of a computer system comprising the steps of:

selecting a plurality of objects on said screen to be reformatted, wherein sequentially adjacent objects of said plurality of objects may be separated by one or more object breaks, said selecting step resulting in the provision of a visually modified area on the screen corresponding to said objects selected in said selecting step;

providing a border on said screen surrounding said objects selected in said selecting step, said border being buffered a distance away from said visually modified area on the screen;

at least momentarily engaging a pointing means at least approximately on said border on the screen to provide an indication that said plurality of objects are to be

reformatted, and subsequently removing said object breaks from between said objects in response to said indication; and

reformatting said objects without said removed object breaks.

The examiner relies on the following references:

Forcier 5,220,649 Jun. 15, 1993

Baumgarten et al., Using WordPerfect 5.1, Que Corporation, 1989, pp. 72-75, 80, 82, 89-90, 115, 305-343, 487, 490, 571-577, 693.

Claims 1 through 20 and 24 through 26 stand rejected under 35 U.S.C. 103 as unpatentable over Baumgarten in view of Forcier.

Reference is made to the brief and answer for the respective positions of appellants and the examiner.

OPINION

Turning first to claims 1 through 8, we will not sustain the rejection of these claims as we agree with appellants that neither of the applied references suggests “providing a border...surrounding said objects...said border being buffered

a distance away from said visually modified area...” or “engaging a pointing means at least approximately on said border...,” as required by independent claim 1.

While the examiner recognizes this deficiency in Baumgarten, the examiner contends that it would have been obvious to have used such a border instead of the highlighted block in Baumgarten as

> it would have been an obvious choice to display the selected portion so that it would be visually aesthetic, as the buffered border was essentially a box that surrounded the highlighted area, and the use of a box to show a selection would have been a common technique [answer-page 4].

As is clear from the instant claim language, the border is provided around previously selected objects. Those objects may have been selected by highlighting. Thus, it is clear to us that if the highlighting employed by Baumgarten has any relevance to the instant claimed subject matter, it would be akin to the selection step of claim 1 and not relevant to the provision of a border. There is absolutely no suggestion, in Baumgarten, of providing a border around the previously selected, or highlighted, objects and we find the examiner’s

conclusion to the contrary must therefore be based on hindsight gleaned from appellants' own disclosure notwithstanding the examiner's rationale of an "obvious choice" so as to be "visually aesthetic."

Therefore, it also follows that since neither reference discloses or suggests a border, as claimed, neither can suggest "engaging a pointing means at least approximately on said border..."

We now turn to independent claim 9.

Claim 9 recites that object breaks are replaced with spaces. The examiner relies on page 82 of Baumgarten for a teaching that all occurrences of two spaces can be replaced with a single space and that the same technique can be used to replace two hard returns with one hard return. We agree with the examiner that this would appear to cover what is set forth in instant claim 9.

For their part, with regard to claim 9, appellants concede, at page 8 of the brief, that Baumgarten checks for too many spaces but say “at best a user can only replace or remove one type of object break at a time.” In fact, this is all that the claim requires. While the claim calls for replacing “all” object breaks, there is, contrary to appellants’ assertion, no recited requirement in the claim that the replacement of “all” object breaks occur simultaneously. Each time the technique of Baumgarten for replacing two spaces with one space or replacing two hard returns with a single hard return is exercised, there is a reformatting of objects in Baumgarten.

Accordingly, appellants' argument with regard to the patentability of claim 9 is unpersuasive and we will sustain the rejection of this claim under 35 U.S.C. 103.

With regard to claims 10 through 13, appellants argue that these claims are directed to an operation of sorting objects in a sequence in a sorted array that is a function of the position of each of the objects on the computer screen and that the

applied references do not suggest these limitations. We disagree.

The examiner points to page 90 of Baumgarten, relating to "Completing the Block Operation," and points out that there is a teaching therein that a "Sort" operation, as claimed, may be employed. Appellants argue, at page 9 of the brief, that "it appears that the sorting operation is not available with the block command" in Baumgarten. Such an argument is clearly misplaced in view of Baumgarten's disclosure, at page 90, that the list of functions, including a "Sort" function, "work with the Block command." Appellants then argue, at page 10 of the brief, that if Baumgarten does disclose a sorting operation that functions with the block command, "the sorting operations [sic, operation] does not function to sort the objects as a function of the position of each of the objects on a computer screen" [emphasis in the original]. However, we agree with the examiner that this limitation is recited so broadly as to include the alphanumerical sorting of Baumgarten. When two spaces are replaced by a single space or two hard returns are replaced by a single hard return in Baumgarten, the words, or

objects, are brought closer together, or sorted as a function of the position of the objects on the computer screen.

Accordingly, we will also sustain the rejection of claims 10 through 13 under 35 U.S.C. 103.

Appellants finally argue that claims 17 and 18 are patentable over the applied references since they are limited to the operation of appending successive objects in a round-up paragraph to form a string. The examiner points out that a "string," in a broad sense, is merely a group of words without a carriage return [answer-page 20] since carriage returns are employed to end strings. The examiner refers to Baumgarten as providing a teaching for replacing a carriage return with a space and concludes that the forming of strings is therefore "inherently" shown in such an operation as the carriage returns separating each string are removed. Appellants do not respond to this reasoning.

We find the examiner's reasoning with regard to the rejection of claims 17 and 18 to be convincing. While we do

not find an explicit teaching by Baumgarten of replacing a carriage return with a space, we find a strong suggestion thereof by Baumgarten's teaching that two spaces may be replaced by a single space and that two hard returns may be replaced with one hard return. In our view, this teaching clearly would have led the artisan to conclude that a hard return may also be replaced with a space for further compression of the text area. Such a replacement, as concluded by the examiner, would have resulted in the "forming said objects into a string in a round-up paragraph by appending successive objects in said round-up paragraph to form said string in conjunction with said replacing step which forms said string without said object breaks," as claimed.

Accordingly, we will also sustain the rejection of claims 17 and 18 under 35 U.S.C. 103.

Since appellants do not argue the merits of claims 14 through 16, 19, 20 and 24 through 26 separately from the other claims, they will fall with claim 9.

We have sustained the rejection of claims 9 through 20 and 24 through 26 under 35 U.S.C. 103 but we have not sustained the rejection of claims 1 through 8 under 35 U.S.C. 103.

Accordingly, the examiner’s decision is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

ERROL A. KRASS Administrative Patent Judge	)
MICHAEL R. FLEMING Administrative Patent Judge	) BOARD OF PATENT APPEALS AND INTERFERENCES
ANITA PELLMAN GROSS Administrative Patent Judge	)

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Appeal No. 96-3260
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AFFIRMED-IN-PART

Prepared: March 20, 2000